

*Matthew J. Hayes, P.E., Chairman
Andy Rodenhiser, Vice-Chairman
Alan DeToma, Clerk
Karyl Spiller-Walsh
Cranston (Chan) Rogers, P.E.*

DRAFT – July 25, 2005

MINUTES
April 26, 2005 Planning Board Meeting

PRESENT: Alan DeToma, Dan Hooper, Karyl Spiller-Walsh, Matthew Hayes, Eric Alexander

ALSO PRESENT: Mark Louro, VHB, Inc.; Gino Carlucci, PGC Associates; Susan Affleck-Childs, Planning Board Assistant

The meeting was called to order at 7:34 pm

Citizen Comments - None

ANR Plan for 383 Village Street

Paul Yorkis – Patriot Real Estate
Todd Allen – Applicant

Paul Yorkis – There are parties of interest who are here this evening regarding this plan. There has been an application before the ZBA for a 40B project. That application has progressed to a stage and is being pursued by the owner of the property (appealing the ZBA's denial decision to the State Housing Appeals Committee). The abutters have offered to convey parcel #1 (110 sq. ft) to the applicant which would create a second buildable lot from the parcel, which means there would be two single family dwellings, one on each lot. The frontage is on 3 ways – Village street (a public way) and Metcalf Lane and Mayflower Lane, which are each private ways. The two lots would share a 24 foot wide common driveway that would enter from Village Street and then split. A copy of this plan was reviewed by the DPS Director (Dave D'Amico) because there is a bylaw relating to driveways. Dave indicated there is no problem in the general bylaw for having a common driveway.

DAN HOOPER – A 24-foot driveway?

Paul Yorkis – It will be a 24-foot wide area. It may not necessarily all be paved. But we want to make sure that people could come out and go in at the same time from Village Street. The whole driveway will not be 24 feet (for its entire length) but it will probably 24 feet wide at the entry point.

Mark Louro – Do you need some sort of access rights between the 2 lots?

Paul Yorkis – That will be handled in the deeds.

DAN HOOPER – Any questions?

Gino Carlucci –The key point is that both Metcalf and Mayflower are ways approved and endorsed under the Subdivision Control Law. The Zoning By-Law’s definition of a street encompasses that which makes this work.

DAN HOOPER – Is there a problem with that radius?

Mark Louro – It is what we would use today.

Paul Yorkis – Metcalf is not paved as wide as a public way, but I think it is more than adequate for frontage purposes. (Access will be provided only from Village Street.)

Mark Louro – How wide is Metcalf paved?

Neighbor – 12 feet

MATT HAYES – I don’t see the address on here anywhere.

Gino Carlucci – That is not a problem. It shows the map and parcel number.

A motion was made by Matt Hayes and seconded by Spiller-Walsh to endorse the ANR plan dated April 26, 2005 for 383 Village Street prepared by O’Driscoll Land Surveying. The motion was unanimously approved.

NOTE – The Board signed the Mylar of the ANR, several prints and the A-1 form.

Discussion - Possible Revision to Hartney Acres II Definitive Subdivision Plan

ALAN DETOMA DeToma – I will recuse myself from this discussion.

Paul Yorkis – Patriot Real Estate

John Claffey – Applicant/developer

Joe Peduto – Neighbor/abutter (6 Nobscott Road)

Paul Yorkis – I have a letter to read into the record. A copy of the letter is attached and made a part of these minutes.

Paul Yorkis – We are talking only about the cut section of the wall (from Nobscott). Instead of building the retaining wall, landscaping would be installed on private property that would need maintenance by the town. No lot lines will change as a result of the deletion of the walls.

A letter was read from David Faist, PE, indicating there would be no change in the drainage design as a result of eliminating the retaining wall.

Paul Yorkis – I know the Board has a full agenda and a lot on its plate and that 2 members will be leaving soon. We are trying to get some sense from you to see if there is a way we can accomplish this. I will represent that I have spoken with Dave D’Amico. He would be delighted if these walls were not built. He felt that way all along from the first Hartney plan.

DAN HOOPER – Do we have anything from Dave D’Amico on that?

Susy Affleck-Childs – I spoke about this with Dave. I can confirm Paul’s representation of Dave’s agreement.

Paul Yorkis – We need to prepare plans acceptable to the abutters. These will be private agreement between John Claffey and each of the abutters. We would revise a few pages of the plan and submitted to the engineer and if acceptable, then recorded at the Registry.

ERIC ALEXANDER – If the abutters are in agreement, I would want to support this. My concern is one of process and concern for future planning boards. Can we get a sense from Gino on this?

DAN HOOPER – It is a fair question and a good thing to grapple with. This whole project has been a bit of a learning process. What would the process be for a major or minor plan modification? I think it is our determination to make. If it is a plan modification, then we have to go thru the process vs. a field tweak. Even though this wall has significance to us (after all we have been through with the lawsuit) this change does not involve lot lines, there are no changes to the right of way or the stormwater management system.

ERIC ALEXANDER – If the abutters agree and the drainage isn’t impacted, I say we should go for it.

KARYL SPILLER-WALSH – this was something we wanted to achieve. This is the direction that we had wanted initially and now the abutters are on the same page. I would move toward this. We are eliminating and simplifying something. This should proceed.

MATT HAYES – I am in favor of getting rid of the walls. My concern is for the precedent for the new board and future of the town.

DAN HOOPER – I don’t think we have a policy to determine what constitutes a major or minor modification. The lack of that allows us some flexibility.

ERIC ALEXANDER – I think this is better because it is simplifying things.

KARYL SPILLER-WALSH – I would like to be part of the landscaping design process.

John Claffey – I wouldn't have a problem with her being involved.

Joe Peduto – I wouldn't have a problem with that either.

DAN HOOPER – What will need to happen with blasting?

John Claffey – There is no blasting planned.

DAN HOOPER – Any ledge?

MATT HAYES – This will eliminate the sheet driving that would have been needed for the wall.

John Claffey – From my experience building on Broad Acres, you will get some big boulders, but nothing that you couldn't move.

ALAN DETOMA DeToma, 20 Stanley Road – We are now talking about slopes to a street. What impact does that have on the drainage?

Mark Louro – This will actually provide for a better chance for infiltration to some extent.

ALAN DETOMA– In Mr. Yorkis' letter, there is a temporary easement and then that goes away after the landscaping is installed. There is no distinction in the Subdivision Control Law on minor or major modification. That is something to consider.

DAN HOOPER – Gino, any comments?

Gino Carlucci – There are not criteria to distinguish a modification. It is a judgment call in your hands. But if you deem it to be a modification, it has to go through the same review and approval process as the original plan.

KARYL SPILLER-WALSH – Could we call it a simplification?

DAN HOOPER – I think we would like to move ahead with this in a non-modification mode. What is your time frame?

Paul Yorkis – We would ask Mark Louro to let us know what sheets would need to be revised. We would like to do this appropriately and accurately.

KARYL SPILLER-WALSH – Would this be worth running this by the town attorney since this was a matter that was litigated?

DAN HOOPER – It is reasonable to assume that it is in the PB's hands. We are beyond the litigation element.

Paul Yorkis – We are actually taking things off the plan, not adding things. The process would be two-fold. The changes would be reviewed by VHB. We would want to also meet with Mr. Peduto and Mr. Caroselli and prepare a landscape plan.

Susy Affleck-Childs – There should also be a revision to the Certificate of Action.

Mark Louro – The sheets that would need to be changed are the grading plan (p. 4) and structural plans at the end (p.12) and add a detail on one of the plan sheets for the subdrain (8 or 9). Also, show the temporary slope easement (p. 2) and sheet #11 will have to be revised.

Paul Yorkis – Re: the fill section of the wall, I wanted to let you know that we are looking at different ways to build the fill section that are quicker and less disturbing to the environment but in no way will it be aesthetically different than what you have approved. At the street level, it would still look like New England Drystack. We aren't changing the rail. Whatever changes may be pursued still have to be approved by the Inspector of Buildings. We don't want you to be caught off guard.

Paul Yorkis – I would like to make a personal comment directed to Dan Hooper. I know it has been a very tough job. I would like to extend my thanks for your willingness to serve the Town. I know how difficult it can be.

Informal Discussion – Modification to 133 Main Street Site Plan

Dick Steinhoff – I discussed with Bob Speroni making some changes to paragraphs 2 and 3 of the Certificate of Action. The original plan had scored or stamped concrete. I would like to change it to add granite or stone. Over the winter, I saw that there are a lot of people who walk on the south side of Main Street. It dawned on me if we put in cobblestone on the whole thing, there will be troubles. I would like to split the 10 foot up into 3 foot area, 4 foot sidewalk, and another 3 foot area. That way people walking thru the lot don't have to walk thru the rough surfaces. I believe Bob Speroni has sent you a note that this would be a minor change.

ALAN DETOMA – Is there a change in the dimensions?

Dick Steinhoff – It was 10 foot deep originally but looking across the street it is a 4 foot sidewalk. We want to try to simulate that.

KARYL SPILLER-WALSH - I am confused.

Dick Steinhoff – The key was to have a 26-foot wide opening (from Main Street).

DAN HOOPER – We wanted to have some landscaping there.

Dick Steinhoff – What we want to do is what is shown as B3 in the BOS Certificate of Approval. We want the 26 foot opening off center so as to not lose so many parking spaces. I have to line the parking lot.

DAN HOOPER – It would be nice to see what your parking would end up like.

Mark Louro – Would parallel parking work on the west side

KARYL SPILLER-WALSH – What about the 4 foot sidewalk?

DAN HOOPER – It will never accommodate ADA criteria.

Dick Steinhoff – How big are your sidewalks?

Mark Louro – 6 foot sidewalk is our new standard (for this category of roadway).

Gino Carlucci – It is a temporary walkway within the property.

Mark Louro – If a sidewalk was ever to be installed on Main Street, it would all be replaced anyways.

DAN HOOPER – Having a 4-foot path now is better than having none. It won't matter in the future if we have to rip it all out.

Dick Steinhoff – I want to maximize the number of (parking) spots on the lot.

DAN HOOPER – 18 feet of cobblestone 3 feet wide, a sidewalk with 4 feet of bituminous concrete, then 3 feet of cobblestone again with a 24 foot opening for vehicular traffic, then a 10 foot strip with 3 ft of cobblestone, 4 ft. of sidewalk and 3 more feet of cobblestone.

Susy Affleck-Childs – Mr. Chairman, we need to move this along. We are not obligated to act on this tonight. There should be a drawing to attach to a recommendation to the Selectman. There will be some paperwork involved and some expense so there will need to be a fee of some sort.

Mark Louro – Leave 10 feet between the back of the cobble and the first parking space

ANR Plan – Jim Pavlik for 10 Walker Street

NOTE – A memo from Gino Carlucci reviewing Attorney Lovely's letter was distributed.

Jim Pavlik – At the last meeting, we left it that I was going to come back to you with evidence. We sought out services of attorney Jeff Lovely. He has put together a letter to you.

Jeff Lovely – I am a real estate attorney from Foxboro. You have seen my memo. I have just seen Mr. Carlucci's memo. When Mr. Pavlik came in to talk to me about this issue, my initial response is that lot 3 would qualify for ANR endorsement. It meets the intent of the bylaw. It has municipal and utility access. A substantial amount of its frontage is on Pearl Street. I am very confused about what Pearl Street is or is no. I understand it is a scenic road. I am informed that 2 ANR plans have been approved in the past. I understand the paved way is not in the Pearl Street layout. The gist of my argument in support of lot 3 is that it meets the criteria for safe and adequate access to the lot. I suppose the options are to deny lot 3, and have him come back with a different approach or to allow lot 3 because it has safe access, or I suppose another approach is to require him to build some type of an unnecessary improvement along Pearl Street to make up the frontage. I don't think that type of technical approach benefits anyone. What you would see is Mr. Pavlik back with a request to improve Pearl Street or he would be back with some type of

subdivision project for lots 3 and 2. The technical nature doesn't give a real good reason to deny lot 3. It meets the lot shape requirement and it has sufficient area. It is an historical accident that the pavement is not in the Pearl Street right of way. I would suggest if the pavement were in the way, there would be no objection to signing off on the plan. I would suggest further, that adequate access is provided from Walker Street. Mr. Carlucci raises a point about frontage. I am suggesting that in any of several different ways the town has dignified Pearl Street's status and that the position of the town is that there is suitable width, grade, etc.

ALAN DETOMA – Right now we have Pearl Street that is not in a right of way. What if Pearl Street was?

Jim Pavlik – We can access the site from Walker Street.

ALAN DETOMA – This is the fundamental question of frontage.

DAN HOOPER – In this instance, we determine whether the frontage requirement is met.

ALAN DETOMA – How is this like what we did earlier tonight?

DAN HOOPER – Those were private ways, approved under the Subdivision Control Law and constructed within their right of way.

Jim Pavlik – One of the another scenarios is that the way existed before subdivision control.

KARYL SPILLER-WALSH – There was some comment before about Jim possibly approaching the Koshivas to acquire the land between his land and the actual road.

Jeff Lovely – If this can't be worked out, then he will come back with some type of subdivision plan. That would serve no purpose. It is time consuming and expensive. I guess what I am trying to do is to get a sense of what your intentions are.

KARYL SPILLER-WALSH – I don't like the term "deny". There is an adversarial tone to that.

DAN HOOPER – Jim has provided an independent opinion but that does not imply what the board thinks.

Jeff Lovely – The impact of a non endorsement of lot 3 is simply going to lead to another approach which I am suggesting should really be unnecessary. It would result in a small new cul de sac off of Walker Street. There is a lot in support of the argument to keep this easy. That is my perspective.

ERIC ALEXANDER – I appreciate where you are coming from. If easiness were the standard for ANR plans, they would all come thru. Coming back with a subdivision proposal is not necessarily a bad thing. The Planning Board cedes control when we endorse and ANR plan. We retain some control when there is a subdivision on the table. We have an obligation to ensure that the ANR plans that come before us meet the technical requirements of the Subdivision Control Law.

DAN HOOPER – In my last night with the board, I would really rather opt for the easy approach. However, I am really an anal person and what I see here is if we bypass the technical interpretation that it seems like the board is coming to, we would be perhaps opening up opportunities elsewhere in the zoning sense. I can't imagine other places in town where this would come up. But we always say this is the worst one and then another one comes in.

KARYL SPILLER-WALSH – Is it possible to construct a road within the layout according to some standards?

ALAN DETOMA – If this was a plan with 2 lots and they came in for ANR endorsement, what would happen?

Gino Carlucci – I believe it would be approved slam dunk.

Jim Pavlik – I am getting frustrated. By having 2 prior plans that came before the Planning Board in 1983 and 1988, doesn't that set the precedent that Pearl Street is an acceptable way for its intended use as an ANR?

DAN HOOPER – For you, it doesn't. An ANR doesn't create a road.

DAN HOOPER – I haven't seen too many other places where road is built outside of the right of way.

Jeff Lovely – The thing I would like to look at more closely is whether your Board can permit the Pavliks to repair Pearl Street so that it creates adequate access. He has the right to work within the private way. We could go forward with an understanding that if he were to improve Pearl Street, a subsequent ANR would be offered. I think you could consider it a repair rather than a subdivision.

MATT HAYES – Are they saying they are going repair Pearl Street?

Jim Pavlik - It is designated a scenic street by the town.

ERIC ALEXANDER – That doesn't really mean anything in this context.

DAN HOOPER - I would entertain a motion to resolve this.

A motion was made by Eric Alexander, seconded by Alan DeToma to not endorse the ANR Plan for 10 Walker Street, dated March 8, 2005, prepared by Outback Engineering. The motion passed unanimously.

DAN HOOPER – We are going to need to have some findings that would support the denial vote. We can reference Gino Carlucci's 2 letters.

Does lot 3 have frontage on an accepted street? No.

Does lot 3 have frontage on a way approved under the Subdivision Control Law? No.

DAN HOOPER – Therefore Lot 3 does not have frontage as Pearl Street is not suitable for providing access. The paved Pearl Street is not in the legal Pearl Street right of way.

PUBLIC HEARING CONTINUATION – Zoning By-law Amendments

9:10 pm

NOTE – The board took a brief break to get pizza.

KARYL SPILLER-WALSH – The AUOD project we approved is going to be sold. It has been asked if the existing building could be razed. But part of the overlay district premise is the rehabilitation element. Is that really a good idea? There are some instances where razing the existing structure would be better for the town than trying to save it.

MATT HAYES – If the home is not historic, then I wouldn't want to be concerned.

ERIC ALEXANDER – There are a lot of older structures in Medway that are historic that wouldn't meet the state criteria to be officially designated as historical.

ALAN DETOMA – How does the demolition delay bylaw fit in?

DAN HOOPER – When we approve things, we have to be aware of how it can ultimately be used.

Susy Affleck-Childs – I think razing the building would nullify that special permit.

KARYL SPILLER-WALSH – I think that is a problem. We should allow for demolition.

Susy Affleck-Childs – I would suggest that you hold off on making any quick changes along the lines of allowing demolition. I would look at the whole bylaw and see where it needs to be fixed.

ERIC ALEXANDER – I am comfortable with both the contractors yard and AUOD changes as proposed tonight

KARYL SPILLER-WALSH – I agree with Eric.

A motion was made by Matt Hayes and seconded by Karyl Spiller Walsh to recommend approval of the contractor's yard definition (4-25-05) and drive-thru facility definition. The motion passed unanimously.

A motion was made by Karyl Spiller-Walsh, seconded by Matt Hayes to recommend approval of the revision to the uplands section of the zoning By-Law, as presented. The motion was unanimously approved.

A motion was made by Matt Hayes, seconded by Eric Alexander to recommend approval of the revisions to the Site Plan approval section of the Zoning Bylaw. The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Eric Alexander to recommend approval of the amendments to the ARI district re: a special permit for a contractor's yard (per the 4-25-05 text). The motion passed unanimously.

NOTE – This will involve a recommendation to amend the town meeting article as printed in the warrant.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to recommend approval of the amendments to the ARII district re: a special permit for a contractor's yard (per the 4-25-05 text). The motion passed unanimously.

NOTE – This will involve a recommendation to amend the town meeting article as printed in the warrant.

A motion was made by Karyl Spiller, Walsh, seconded by Alan DeToma to recommend approval of the amendment to the Commercial I district to allow drive-thru facilities by special permit. The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to recommend approval of the amendment to the Commercial II district to allow drive-thru facilities by special permit. The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to recommend approval of adding Tables 5 and 6 to the signage regulation section of the Medway Zoning By-law. The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Alan DeToma to recommend approval of a replacement of the Open Space Residential Development section of the Zoning Bylaw. The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to recommend approval of an amendment to the ARCPUD section of the Zoning Bylaw . The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to recommend approval of a amendment #1 to the Adaptive Use Overlay District (AUOD) section of the Zoning Bylaw. The motion passed unanimously.

NOTE – This will require a recommendation to amend the articles as printed in the warrant.

A motion was made by Matt Hayes, seconded by Eric Alexander to recommend approval of amendment #2 (dated 4-21-05) to the Adaptive Use Overlay District (AUOD) section of the Zoning Bylaw. The motion passed unanimously.

NOTE – This will require a recommendation to amend the articles as printed in the warrant.

A motion was made by Matt Hayes, seconded by Karyl Spiller-Walsh to recommend approval of amending the Zoning Map to expand Commercial District 5 at the intersection of routes 109 and 126 as requested by the Avellino family. The motion passed unanimously.

A motion was made by Matt Hayes, seconded by Alan DeToma, to close the public hearing on proposed amendments to the Medway Zoning Bylaw. The motion passed unanimously.

Public Hearing Continuation - Subdivision Rules and Regs

DAN HOOPER – We have been working on this for 2- 21/2 years and I hope we will conclude tonight. We have made a lot of good changes. As Karyl will tell us, these regs are dynamic, always susceptible to change. However, you have to come to a moment in time and say we have to approve something to address many prior problems. Hopefully, those things that have subsequently come to light will be addressed in the coming year or so. I understand a few CONCOM members here with some suggestions

Dave Travalini, CONCOM chairman - What we have noticed is that we really have not been bonding for many years. I have been on the CONCOM for 13.5 years. The problems at Field Road have really brought this to a head. What we would like, if possible, is for the PB to bond any Conservation related work such as wetland replication areas. These are notoriously poorly designed and consistently fail. By the time it is evident that they have failed, the builder is long gone. We have also had a problem in recent history with work near vernal pools. As build out happens, there are a lot more vernal pools. We have had an issue come up where we believe they have destroyed a vernal pool (at Ishmael Coffee Estates). We believe that construction work has probably destroyed a vernal pool. We are worried that a developer could walk away from this. When we permit an individual lot, the only thing we have over the applicant is a certificate of compliance. With a subdivision plan, any replication areas or vernal pools that could be damaged during road construction would be included in the subdivision bond. There would need to be some expert to determine what it would cost to reproduce the wetlands. That amount of money would be set aside, plus a percentage for inflation. We would like to have that bonded and only have it released once the applicant receives a Certificate of Compliance from the CONCOM.

Ken McKay, CONCOM – We are concerned with things that get left undone. We don't have any mechanism for bringing that into compliance. We would want to be involved in recommending the bond amount.

David Travalini – The CONCOM has enforcement capabilities. The Mass DEP will look at big stuff but won't bother with small stuff like detention pond planting at Field Road. They aren't chasing down small things. We feel it would be in the best interest of the town if money was held in bond

ALAN DETOMA – I couldn't agree more with the concept, but is it legal?

Mark Louro – Anything that the PB bonds must be shown on the definitive subdivision plan. Part of the solution is that the PB shouldn't close the subdivision public hearing until the CONCOM Order of Conditions is complete and we can incorporate it into the plan. It is more difficult on vernal pools. It is hard to establish a bond estimate on something that hasn't happened.

ALAN DETOMA - Can we require insurance?

Andy Rodenhiser – What about a warranty bond?

DAN HOOPER - The vernal pool at Ishmael Coffee Estates is on a private lot?

David Travalini – Yes. I have been fighting with DEP re: this subdivision. The DEP rep has not been willing to get involved. Our ability to deal with stuff like this is limited to what DEP will do. All we can do is sue folks. It has been our impression in the past that the town attorney has been loathe to go to court.

DAN HOOPER – Gino, what can you share with us on the linkage between CONCOM's decisions and ours?

Gino Carlucci – It needs to be on the plan and it needs to be related to the subdivision construction that you are bonding. I would check with town counsel. I would be skeptical that you could bond work that is only related to the CONCOM order of conditions. I think wetlands replication is OK to bond as those areas are shown on the subdivision plan. But an independent project separate from the subdivision, I don't think you should.

KARYL SPILLER-WALSH – Is there some way to bring CONCOM's findings into our process earlier?

Mark Louro – The applicant isn't always inclined to go to CONCOM first. We could require the Order of Conditions to be issued before the public hearing is closed.

David Travalini – Another issue we have, for example, the Design Review Committee asked us, with Hartney Acres, if we could allow them to do a sloped bank instead of a straight bank. We don't have any leeway under state law. Wetlands crossings have to have the least impact. It seems like it would be wise to require them to go to CONCOM first before you finalize. They can't have a road that goes thru wetlands on both ends.

Mark Louro – I think a concurrent process makes sense.

David Travalini – We would be more than happy for you to bond replication areas. It may look great, but it has to sit there for 3 years to see if it takes. We can hold the individual lots over their heads. I think DEP will work with us on vernal pools.

Mark Louro – As long as we require CONCOM's Certificate of Compliance before street acceptance or bond release.

Ken McKay - We would want a consultant to prepare the estimate for the wetlands replication areas.

David Travalini - Replication areas need 3 years to take hold. Many developers do it at the end.

Mark Louro – Can we bond something like a wetlands replication area?

David Travalini - Construction isn't complete until it has 3 years of life.

DAN HOOPER – I think what we have here is adequate for us to do something with.

Andy Rodenhiser – Could you require them to post a warranty bond for the area that hasn't taken yet? Can you use a warranty bond instead?

MATT HAYES – The issue is holding bond money for completion.

ALAN DETOMA – I sense there is a level of cooperation we are trying to reach here between the CONCOM and the PB.

DAN HOOPER – It has to pass legal muster within our rules and regs.

Mark Louro – Is part of CONCOM’s process to issue a copy of the Order of Conditions to other town departments? That would be helpful if we could get them.

David Travalini – We can require that the Order of Conditions and plans be given to the PB.

ALAN DETOMA – Thank you for bringing this forth.

DAN HOOPER – Even as a novice 5 years ago, it made no sense to me that we didn’t have all the wetlands stuff up front. We need to know what the palette is for “painting” the landscape.

David Travalini – Ideally, it would make sense to have a joint meeting with both of our boards so they can hash things out at the same time.

DAN HOOPER – Maybe this could be at the first preliminary plan meeting.

Andy Rodenhiser – There has been some discussion at the DRC of a unified approach with one person from the various boards, sort of a kick off type meeting so that some bigger projects get everybody involved early on.

DAN HOOPER – That would be the Development Review Coordinating Council we have proposed for town meeting. The idea is for everybody at the same time to get the same basic pitch. It could serve as an intro to the project and an intro to Medway for the developer.

Mark Louro – do you have specs on

David Travalini - Also, we no longer permit hay bales now. They are rife with purple loosestrife. We advise mulch tubes.

Mark Louro – OK. We will strike hay bales from our construction detail drawings.

A motion was made by Eric Alexander, seconded by Alan DeToma to close the public hearing on proposed amendments to the Subdivision Rules and Regulations.

A motion was made by Eric Alexander, seconded by Matt Hayes, to adopt the April 21, 2005 version of the new Subdivision Rules and Regulations, with construction details dated April 26, with one to be updated to not show hay bales).

MATT HAYES – I would like to take a moment to recognize Dan Hooper for his service to the Planning Board. He has had so much energy. I commend him for a job well done for the last 5 years.

Public Hearing Continuation – Modification to Wingate Farm Definitive Subdivision Plan

Karyl Spiller-Walsh, recuse.

Steve Poole – WE have a revised plan dated April 22 with a couple of minor changes. We talked about the Fire Chief’s concerns about access thru lot 3. We opened up the radius, eliminated a couple of parking spots and reoriented the parking lot. I went over that with the Chief and he seemed to be pleased that we had done that. He thought it was more than adequate. We also added the sign Holliston Street with a note that we will coordinate the exact location with the Police Department Safety Officer. Also, we made a few changes on the Operations and Maintenance Plan as VHB had asked.

Mark Louro – I got this yesterday. I don’t think it is worth holding up the Certificate of Action on this.

DAN HOOPER – This is the last opportunity for input from the audience, and for us to receive it.

NOTE – A memo dated 4-25-05 from Fire Chief Wayne Vinton was read. It is attached and made a part of these minutes. It says that he is OK with the revisions as shown on the April 22 plan.

NOTE – A review letter dated 4-26-05 from PGC Associates was read. It is attached and made a part of these minutes.

Gino Carlucci – My main point is to resolve the ownership of the road. I believe you need to have a homeowners association to handle the road if the property changes hands. If the ownership of Lot #1 (main house at 168 Holliston Street) changes, the new owners may not have the incentive to truly maintain it. Several more recommendations follow from that premise. And then I recommend that the maintenance requirements be more specifically referenced in the Declaration of Protective Covenants. Then there is a condition on any rights to the road by abutting properties. It is suggested that the language be revised so that a change could occur if agreed to by all parties. If it is agreeable to everybody then that opens it up as a possibility.

NOTE – A letter dated 4-26-05 from the Walsh family was read regarding their request for a waiver from the payment in lieu of sidewalk construction. The letter is attached and made a part of these minutes.

KARYL SPILLER-WALSH – It was it made clear that TBase was used on the emergency access road from Adams Street to the new high school.

DAN HOOPER – Clearly there is a difference between a graded, sifted size of Tbase and reconstituted asphalt.

KARYL SPILLER-WALSH – The TBase used at the high school was a specification by Carol Johnson Associates (landscape architects/site designers) that they have used before. The high school drive is about 500 feet.

A motion was made by Matt Hayes, seconded by Eric Alexander to close the public hearing. The motion passed unanimously.

It was agreed that the next step was to work on the Findings for the waivers for the Certificate of Action.

A motion was made by Alan DeToma, seconded by Eric Alexander to adjourn the meeting to Thursday, April 28, 2005 at 7:30 p.m. The motion passed.

A motion was made by Alan DeToma, seconded by Matt Hayes to adjourn. The motion passed unanimously.

The meeting was adjourned at 1:25 am on April 27, 2005.

Respectfully submitted,

Susan E. Affleck-Childs
Planning Board Assistant